

ORAL ARGUMENT NOT YET SCHEDULED
No. 23-5236

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HUMAN RIGHTS DEFENSE CENTER,

Plaintiff-Appellant,

v.

UNITED STATES PARK POLICE,

Defendant-Appellee.

On Appeal from the United States District Court for the District of Columbia
(No. 19-cv-1502, Hon. Tanya S. Chutkan)

NOTICE BY AMERICANS FOR PROSPERITY FOUNDATION
OF INTENT TO FILE *AMICUS CURIAE* BRIEF
IN SUPPORT OF PLAINTIFF-APPELLANT AND REVERSAL

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Dated: February 28, 2024

Counsel for Amicus Curiae AFPF

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, and as required by Circuit Rule 29(b), Americans for Prosperity Foundation (“AFPF”) hereby certifies it is a nonprofit corporation. It has no parent companies, subsidiaries, or affiliates that have issued shares or debt securities to the public.

AFPF further states, in compliance with Circuit Rule 26.1(b), that it is a 501(c)(3) nonprofit organization committed to educating and training Americans to be courageous advocates for the ideas, principles, and policies of a free and open society. One of those ideas is the importance of open and accountable government. To that end, AFPF considers the Freedom of Information Act (“FOIA”), which is implicated by the instant appeal, to be an essential part of ensuring openness and accountability in the federal government. As part of its mission, AFPF frequently requests records under the FOIA, and prosecutes those requests before agencies and federal courts. AFPF also appears as *amicus curiae* before federal and state courts.

/s/ Ryan P. Mulvey

Ryan P. Mulvey

Counsel for *Amicus Curiae* AFPF

NOTICE OF INTENT TO FILE *AMICUS CURIAE* BRIEF

Pursuant to Federal Rule of Appellate Procedure 29(a) and Circuit Rule 29(b), Americans for Prosperity Foundation (“AFPF”) hereby notifies the Court of its intent to file an *amicus curiae* brief in this case on its own behalf and in support of Plaintiff-Appellant and reversal. Counsel for both parties have consented to the filing of such an *amicus* brief.

AFPF’s brief will address whether a federal court enjoys inherent authority to order the return or destruction of records released under the Freedom of Information Act, even when such disclosure was allegedly inadvertent, and whether the court can alternatively prohibit further use or dissemination of such records by their recipient.

The only other *amicus* known to AFPF is Reporters Committee for Freedom of the Press.

AFPF intends to file its brief no later than March 6, 2024, as required by Circuit Rule 29(c).

Dated: February 28, 2024

Respectfully submitted,

/s/ Ryan P. Mulvey

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2024, I electronically filed the above Notice of Intent to File *Amicus Curiae* Brief with the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the participants in this case are registered CM/ECF users, and service will be accomplished through the appellate CM/ECF system.

/s/ Ryan P. Mulvey

Ryan P. Mulvey

Counsel for *Amicus Curiae* AFPF